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Editorial: Highest court at least works

After the untimely death of Associate Justice Antonin Scalia Feb. 13, the Supreme Court was thrown into disarray as the number of justices fell from its normal, odd-numbered complement of nine jurists to the problematic, even-numbered current array of eight.

As we have noted in a previous editorial, this is awkward for a number of reasons. But one of the main issues is the very likely occurrence of a 4-to-4 decision that would then only apply to the lower circuit and not the rest of the country. (This very instance already became a reality last month in the case of Friedrichs v. CTA, which handed public-sector unions a narrow victory by effectively affirming the lower court ruling.)

On March 16, President Obama did his constitutional duty and nominated Scalia's replacement, Merrick Garland, chief judge of the United States Court of Appeals for the District of Columbia Circuit. In response, the Republican-controlled Senate made good on its promise not to consider any of Obama's choices to fill the vacancy, no matter whom they might be. This calcified stance ensured Obama's final year in office would remain fractious

right to the end, leaving the possibility of a broken judicial branch until at least next January when the next president is sworn in.

With all this gridlock and obstructionism, we can at least take solace in the Supreme Court's 8-to-0 decision Monday in the case of *Evenwel v. Abbott*.

This Texas case concerned the part of the Equal Protection Clause of the Fourteenth Amendment, which establishes a "one man, one vote" principle. The court ruled that states could use total population, not just voting population in determining legislative districts. While it didn't make a final ruling on whether states could also use just eligible voters to draw these lines as well, the court did send a strong signal that politicians should represent everyone in their district, including children and disenfranchised felons.

While we applaud this decision, what encourages us the most is it happened at all. This unanimous decision confirms at least one branch of government can actually do something, much to the consternation of the do-nothing politicians on Capitol Hill.